



City of Seattle

Department of Planning and Development
Diane M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR
OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number: 3010999
Applicant Name: Jennifer Taylor for Clearwire
Address of Proposal: 6561 Phinney Ave N

SUMMARY OF PROPOSED ACTION

Land Use Application to allow the expansion of a minor communication utility (Clearwire) consisting of one panel antenna to the existing three panel antennas and three microwave dishes all within shrouds on the rooftop of an existing residential building.

The following approvals are required:

Administrative Conditional Use – Chapter 23.57

SEPA - Environmental Determination – Chapter 25.05, Seattle Municipal Code

SEPA DETERMINATION: ☐ Exempt ☒ DNS ☐ MDNS ☐ EIS

☐ DNS with conditions

☐ DNS involving non-exempt grading or demolition or
involving another agency with jurisdiction.

BACKGROUND INFORMATION

Site and Vicinity Description

The subject site is located at the southwest corner of the intersection of Phinney Avenue North and North 67th Street, where Phinney jogs to the west and turns into Greenwood Avenue North. The site is split-zoned NC2 and L3/RC; SF zoning abuts to the west. It is developed with a Seattle Housing Authority multifamily residential development that, according to the King County Assessor, was built

in 1984. There are existing Clearwire facilities on the structure that were developed pursuant to DPD Master Use Permit No. 3003475 (Building Permit No. 6073469). The area is developed with a mixture of uses, among them the Greenwood Community Center, in a City-designated historic landmark structure.

Proposal Description

The proposal is to lower one microwave array so that it fits within an existing shroud, and to add one panel antenna, also within the shroud.

Public Comments

None.

ANALYSIS AND CRITERIA - ADMINISTRATIVE CONDITIONAL USE

Seattle Municipal Code (SMC) 23.57.011B provides that a minor communication utility, as regulated pursuant to SMC 23.57.002, may be permitted in a Lowrise zone as an administrative conditional use when it meets the development standards of SMC 23.57.011C and the following criteria, as applicable.

- 1. The project shall not be substantially detrimental to the residential character of nearby residentially zoned areas, and the facility and the location proposed shall be the least intrusive facility at the least intrusive location consistent with effectively providing service. In considering detrimental impacts and the degree of intrusiveness, the impacts considered shall include but not be limited to visual, noise, compatibility with uses allowed in the zone, traffic, and the displacement of residential dwelling units.***

There would be no visible change in the existing condition, other than to lower a presently-visible microwave antenna into the existing shroud. Hence, there will be no detrimental impacts to residential character. Certainly almost nothing could be less intrusive.

- 2. The visual impacts that are addressed in Section 23.57.016 shall be mitigated to the greatest extent practicable.***

For reasons set forth above, the proposal complies with this criterion.

- 3. Within a Major Institution Overlay District, a Major Institution may locate a minor communication utility or an accessory communication device, either of which may be larger than permitted by the underlying zone, when:***

- a. The antenna is at least one hundred feet (100') from a MIO boundary, and***
- b. The antenna is substantially screened from the surrounding neighborhood's view.***

Not applicable.

- 4. If the minor communication utility is proposed to exceed the zone height limit, the applicant shall demonstrate that the requested height is the minimum necessary for the effective functioning of the minor communication utility.***

The proposed height of the minor communication utility is ten feet above the rooftop, with a total height for the installation of just over thirty-seven feet above the ground level. Documentation within the MUP file, provided by the applicant, demonstrates the need for the requested height as the minimum necessary for the effective functioning of the minor communication utility; the proposal complies with this criterion.

5. *If the proposed minor communication utility is proposed to be a new freestanding transmission tower, the applicant shall demonstrate that it is not technically feasible for the proposed facility to be on another existing transmission tower or on an existing building in a manner that meets the applicable development standards. The location of a facility on a building on an alternative site or sites, including construction of a network that consists of a greater number of smaller less obtrusive utilities, shall be considered.*

Not applicable.

Summary

The proposed project is consistent with the administrative conditional use criteria of the City of Seattle Municipal code as it applies to wireless communication utilities. The facility is minor in nature and will not be detrimental to the surrounding area while providing needed and beneficial wireless communications service to the area.

The proposed project will not require the expansion of public facilities and services for its construction, operation and maintenance. Once installation of the facility has been completed, approximately one visit per month would occur for routine maintenance. No other traffic would be associated with the project.

DECISION - ADMINISTRATIVE CONDITIONAL USE PERMIT

The application for an administrative conditional use is **GRANTED.**

CONDITIONS - ADMINISTRATIVE CONDITIONAL USE PERMIT

None.

ANALYSIS – SEPA

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant. The information in the checklist and the experience of the lead agency with review of similar projects form the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.554D) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, certain neighborhood plans, and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority.

The Overview Policy states, in part: “Where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation,” subject to some limitations. Under such limitations/circumstances (SMC 25.05.665 D1-7) mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate.

Short-term Impacts

The following temporary construction-related impacts are expected: 1) decreased air quality due to the increase dust and other suspended particulates from building activities; 2) increased noise and vibration from construction operations and equipment; 3) increased traffic and parking demand from construction personnel; 4) blockage of streets by construction vehicles/activities; 5) conflict with normal pedestrian movement adjacent to the site; and 6) consumption of renewable and non-renewable resources. Although not significant, the impacts are adverse and certain mitigation measures are appropriate as specified below.

City codes and/or ordinances apply to the proposal and will provide mitigation for some of the identified impacts. Specifically, these are: 1) Street Use Ordinance (watering streets to suppress dust, obstruction of the pedestrian right-of-way during construction, construction along the street right-of-way, and sidewalk repair); and 2) Building Code (construction measures in general). Compliance with these applicable codes and ordinances will be adequate to achieve sufficient mitigation and further mitigation by imposing specific conditions is not necessary for these impacts. The other short-term impacts not noted here as mitigated by codes, ordinances or conditions (e.g., increased traffic during construction, additional parking demand generated by construction personnel and equipment, increased use of energy and natural resources) are not sufficiently adverse to warrant further mitigation or discussion.

Long-term Impacts

Long-term or use-related impacts are also anticipated, as a result of approval of this proposal including: increased traffic in the area and increased demand for parking due to maintenance of the facility; and increased demand for public services and utilities. These impacts are minor in scope and do not warrant additional conditioning pursuant to SEPA policies.

Environmental Health

The Federal Communications Commission (FCC) has pre-empted state and local governments from regulating personal wireless service facilities on the basis of environmental effects of radio frequency emissions. As such, no mitigation measures are warranted pursuant to the SEPA Overview Policy (SMC 25.05.665).

The applicant has submitted a “Statement of Federal Communication Commission Compliance for Personal Wireless Service Facility” and an accompanying “Affidavit of Qualification and Certification” for this proposed facility giving the calculations of radiofrequency power density at roof and ground levels expected from this proposal and attesting to the qualifications of the Professional Engineer who made this assessment. This complies with the Seattle Municipal code Section 25.10.300 that contains Electromagnetic Radiation standards with which the proposal must conform. The City of Seattle, in conjunction with Seattle King County Department of Public Health, has determined that Personal Communication Systems (PCS) operate at frequencies far below the Maximum Permissible Exposure standards established by the Federal Communications Commission (FCC) and therefore, does not warrant any conditioning to mitigate for adverse impacts.

Historic preservation

SEPA requires, at DPD discretion, consultation with the City's Historic Preservation Officer regarding impacts of a proposal upon any City-designated landmark adjacent to or across the street from a proposal site. In this case, with all equipment to be located within existing screening, the Historic Preservation Officer has opined that there need be no referral. The implication is that there would be no impacts on the landmark structure, and so the DPD determines.

Greenhouse Gas

The applicant has disclosed that there would be 39 MTCO₂e emitted over the lifespan of the project. There is no basis for mitigating the disclosed impact at this time.

Summary

In conclusion, several effects on the environment would result from the proposed development. The conditions imposed at the end of this report are intended to mitigate specific impacts identified in the foregoing analysis, to control impacts not adequately regulated by codes or ordinances, per adopted City policies.

DECISION - SEPA

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

[X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030(2)(C).

ADMINISTRATIVE CONDITIONAL USE AND SEPA CONDITIONS

None.

Signature: (signature on file)
Colin R. Vasquez, Senior Land Use Planner
Department of Planning and Development

Date: November 1, 2010